

AMENDED IN SENATE SEPTEMBER 6, 2013

AMENDED IN SENATE SEPTEMBER 3, 2013

AMENDED IN SENATE JULY 8, 2013

AMENDED IN ASSEMBLY MAY 24, 2013

AMENDED IN ASSEMBLY APRIL 16, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 60**

**Introduced by Assembly Member Alejo**

**(Coauthors: Assembly Members Garcia, Roger Hernández, Mullin,  
V. Manuel Pérez, Rendon, and Williams)**

(Coauthors: Senators Cannella, Correa, De León, Lara, and Padilla)

January 7, 2013

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An act to ~~amend Section 13002 of, to amend and repeal Sections 12801.6, 12801.8, and 14610.7 of, to amend, repeal, and add Sections 1653.5, 12800, 12801, and 12801.5 of, and to add Sections 13000.2 and 13009~~ *12801.9, 12801.10, and 12801.11* to, the Vehicle Code, relating to driver's licenses.

### LEGISLATIVE COUNSEL'S DIGEST

AB 60, as amended, Alejo. Driver's licenses: eligibility: required documentation.

*(1) Existing law requires the Department of Motor Vehicles (DMV) to require an applicant for an original driver's license or identification card to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law. Existing law prohibits the department from issuing an original driver's license or identification*

*card to a person who does not submit satisfactory proof that his or her presence in the United States is authorized under federal law.*

*This bill would authorize the department to issue an original driver's license to a person who is unable to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law if he or she meets all other qualifications for licensure and provides satisfactory proof to the department of his or her identity and California residency. The bill would require the department to adopt regulations, in consultation with appropriate law enforcement representatives, to implement those provisions, including identifying documents acceptable for the purposes of providing identity and California residency and procedures for verifying the authenticity of the documents. The bill would authorize the department to consider accepting prescribed types of documentation for this purpose. The bill would require a license issued pursuant to those provisions, including temporary licenses, to include on its face a recognizable feature and a specified notice. The bill would authorize the department to modify these licenses if these licenses do not meet federal requirements.*

*This bill would require, on or before January 1, 2018, the Administrative Office of the Courts to compile and submit to the Legislature and the Governor a report that, among other things, includes instances when these licenses are used to discriminate against an individual. The bill would provide that a person applying for a license pursuant to these provisions may be required to pay, only until June 30, 2017, an additional fee to offset the reasonable administrative costs of implementing these provisions. The bill would make other technical and conforming changes.*

*(2) Existing law requires the department to require an application for a driver's license to contain the applicant's social security number and any other number or identifier determined to be appropriate by the department. Existing law authorizes an applicant who provides satisfactory proof that his or her presence in the United States is authorized under federal law, but who is not eligible for a social security number, to receive an original driver's license if he or she meets all other requirements for licensure.*

*This bill would authorize an applicant who is unable to provide satisfactory proof that his or her presence in the United States is authorized under federal law to sign an affidavit under penalty of perjury attesting that he or she is both ineligible for a social security number and unable to submit satisfactory proof that his or her presence*

*in the United States is authorized under federal law in lieu of submitting a social security number.*

*This bill would make these changes operative on January 1, 2015, or on the date the director of the department executes a specified declaration, whichever is sooner. The bill would make these provisions inoperative on the effective date of a final judicial determination made by any court of appellate jurisdiction that any of these provisions, or their application, are enjoined, found unconstitutional, or held invalid for any reason. The bill would require the department to post this information on its Internet Web site.*

*This bill would state that its provisions do not authorize an individual to apply for, or be issued, a commercial driver's license without submitting his or her social security account number with his or her application.*

~~(1) Existing law requires the Department of Motor Vehicles (DMV) to require an applicant for an original driver's license or identification card to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law. Existing law prohibits the department from issuing an original driver's license or identification card to a person who does not submit satisfactory proof that his or her presence in the United States is authorized under federal law. Existing law makes it a misdemeanor for a person to knowingly assist in obtaining a driver's license or identification card for a person whose presence in the United States is not authorized under federal law.~~

~~This bill would delete these provisions as to driver's licenses, and would make other technical and conforming changes. The bill would instead authorize an applicant for a noncommercial driver's license who is not eligible for a social security account number, but who provides proof of identity, as specified, to receive an original driver's license if he or she meets all other qualifications for licensure. The bill would make these changes operative on January 1, 2015.~~

~~(2) Existing law requires each form prescribed by the DMV for use by an applicant for the issuance or renewal of a driver's license or identification card to contain a section for the applicant's social security account number. Existing law prohibits the inclusion of an applicant's social security account number on a driver's license, identification card, registration, certificate of title, or other document issued by the DMV or the display of an applicant's social security account number on the driver's license.~~

~~This bill would authorize, for the purposes of noncommercial driver's licenses only, the section of the form for the applicant's social security account number to be used for a number associated with a document that the DMV finds clearly establishes the identity of the applicant, and would additionally prohibit the inclusion or the displaying of the number associated with the identity document. The bill would make these changes operative on January 1, 2015.~~

~~This bill would delete obsolete provisions with regard to identification cards.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. The Legislature finds and declares all of the*  
2     *following:*  
3     *(a) According to a report by the AAA Foundation for Traffic*  
4     *Safety, car crashes rank among the leading causes of death in the*  
5     *United States.*  
6     *(b) Previous studies done by the foundation have found that*  
7     *approximately one in five fatal crashes in the United States involve*  
8     *an unlicensed or invalidly licensed driver.*  
9     *(c) The California Department of Motor Vehicles, Licensing*  
10    *Operations Division, Research and Development Branch has stated*  
11    *that unlicensed driving is a major California safety problem.*  
12    *(d) In a report titled, "Estimating the Exposure and Fatal Crash*  
13    *Rates of Suspended/Revoked and Unlicensed Drivers in California"*  
14    *published in Accident Analysis and Prevention, 29(1), the*  
15    *Department of Motor Vehicles estimates that 12 percent of the*  
16    *drivers on the road do not have valid driver's licenses.*  
17    *(e) In the State of California, there are potentially 1.4 million*  
18    *drivers who are unlicensed and uninsured.*  
19    *(f) It is our responsibility to ensure that all California drivers*  
20    *are properly trained, tested, and insured in order to make our*  
21    *roads safer.*  
22    *(g) In order to meet the operative date established in this act,*  
23    *it is necessary for the California Department of Motor Vehicles*  
24    *to promulgate regulations pursuant to the emergency rulemaking*  
25    *process.*

1     (h) *The California Department of Motor Vehicles currently*  
2 *issues approximately 900,000 original driver's licenses annually,*  
3 *and estimates there will be an additional 1.4 million original*  
4 *driver's license applicants over a three year period under the*  
5 *provisions of this act.*

6     (i) *To provide services to this added volume of original driver*  
7 *license applicants, the California Department of Motor Vehicles*  
8 *must undertake significant and costly activities, including, among*  
9 *others, the hiring of additional temporary staff, the training of*  
10 *existing and additional temporary staff, and obtaining and*  
11 *preparing new temporary facilities to process the applications.*

12     (j) *The California Department Motor Vehicles must promulgate*  
13 *regulations to determine the appropriate documentation necessary*  
14 *to prove identity and California residency under the provisions of*  
15 *this act, and procedures for verifying the authenticity of the*  
16 *documentation.*

17     (k) *The California Department of Motor Vehicles must also*  
18 *modify driver licenses issued under this act to satisfy the*  
19 *requirements of Section 37.71 of Title 6 of the Code of Federal*  
20 *Regulations, adopted pursuant to paragraph (11) of subdivision*  
21 *(d) of Section 202 of the Real ID Act of 2005 (Public Law 109-13).*

22     (l) *Therefore, the California Department of Motor Vehicles may*  
23 *assess an additional fee to applicants applying under the provisions*  
24 *of this act in an amount sufficient to offset the reasonable costs of*  
25 *implementing the provisions of the act. If this additional fee is*  
26 *assessed, it shall be assessed only until June 30, 2017.*

27     SEC. 2. *The Legislature further finds and declares all of the*  
28 *following:*

29     (a) *The holder of a driver's license issued pursuant to Section*  
30 *12801.9 shall not by reason of that driver's license be treated in*  
31 *a discriminatory manner pursuant to the Unruh Civil Rights Act*  
32 *(Section 51 of the Civil Code).*

33     (b) *A driver's license issued pursuant to Section 12801.9 shall*  
34 *not be used as evidence of the holder's citizenship or immigration*  
35 *status, and shall not be used as a basis for a criminal investigation,*  
36 *arrest, or detention in circumstances where a person with a driver*  
37 *license that was not issued under Section 12801.9 would not be*  
38 *criminally investigated, arrested, or detained.*

1 (c) *The State of California is in the process of demonstrating*  
2 *its compliance with the requirements of the REAL ID Act of 2005*  
3 *(Public Law 109-13).*

4 SEC. 3. *Section 1653.5 of the Vehicle Code is amended to read:*

5 1653.5. (a) Every form prescribed by the department for use  
6 by an applicant for the issuance or renewal by the department of  
7 a driver's license or identification card pursuant to Division 6  
8 (commencing with Section 12500) shall contain a section for the  
9 applicant's social security account number.

10 (b) Every form prescribed by the department for use by an  
11 applicant for the issuance, renewal, or transfer of the registration  
12 or certificate of title to a vehicle shall contain a section for the  
13 applicant's driver's license or identification card number.

14 (c) A person who submits to the department a form that, pursuant  
15 to subdivision (a), contains a section for the applicant's social  
16 security account number, or pursuant to subdivision (b), the  
17 applicant's driver's license or identification card number, if any,  
18 shall furnish the appropriate number in the space provided.

19 (d) The department shall not complete an application that does  
20 not include the applicant's social security account number or  
21 driver's license or identification card number as required under  
22 subdivision (c).

23 (e) An applicant's social security account number shall not be  
24 included by the department on a driver's license, identification  
25 card, registration, certificate of title, or any other document issued  
26 by the department.

27 (f) Notwithstanding any other ~~provision of~~ law, information  
28 regarding an applicant's social security account number, obtained  
29 by the department pursuant to this section, is not a public record  
30 and may not be disclosed by the department except for any of the  
31 following purposes:

32 (1) Responding to a request for information from an agency  
33 operating pursuant to, and carrying out the provisions of, Part A  
34 (Aid to Families with Dependent Children), or Part D (Child  
35 Support and Establishment of Paternity), of Subchapter IV of  
36 Chapter 7 of Title 42 of the United States Code.

37 (2) Implementation of Section 12419.10 of the Government  
38 Code.

39 (3) Responding to information requests from the Franchise Tax  
40 Board for the purpose of tax administration.

1     (g) *This section shall become inoperative on January 1, 2015,*  
2     *or on the date that the director executes a declaration pursuant*  
3     *to Section 12801.11, whichever is sooner, and as of January 1,*  
4     *2015, is repealed, unless a later enacted statute, that is enacted*  
5     *before January 1, 2015, deletes or extends that date.*

6     SEC. 4. *Section 1653.5 is added to the Vehicle Code, to read:*

7     1653.5. (a) *Each form prescribed by the department for use*  
8     *by an applicant for the issuance or renewal by the department of*  
9     *a driver's license or identification card pursuant to Division 6*  
10    *(commencing with Section 12500) shall contain a section for the*  
11    *applicant's social security account number.*

12    (b) *Each form prescribed by the department for use by an*  
13    *applicant for the issuance, renewal, or transfer of the registration*  
14    *or certificate of title to a vehicle shall contain a section for the*  
15    *applicant's driver's license or identification card number.*

16    (c) *Except as provided in Section 12801, a person who submits*  
17    *to the department a form that, pursuant to subdivision (a), contains*  
18    *a section for the applicant's social security account number, or*  
19    *pursuant to subdivision (b), the applicant's driver's license or*  
20    *identification card number, if any, shall furnish the appropriate*  
21    *number in the space provided.*

22    (d) *Except as provided in Section 12801, the department shall*  
23    *not complete an application that does not include the applicant's*  
24    *social security account number or driver's license or identification*  
25    *card number as required under subdivision (c).*

26    (e) *An applicant's social security account number shall not be*  
27    *included by the department on a driver's license, identification*  
28    *card, registration, certificate of title, or any other document issued*  
29    *by the department.*

30    (f) *Notwithstanding any other law, information regarding an*  
31    *applicant's social security account number, obtained by the*  
32    *department pursuant to this section, is not a public record and*  
33    *shall not be disclosed by the department except for any of the*  
34    *following purposes:*

35    (1) *Responding to a request for information from an agency*  
36    *operating pursuant to, and carrying out the provisions of, Part A*  
37    *(Aid to Families with Dependent Children), or Part D (Child*  
38    *Support and Establishment of Paternity), of Subchapter IV of*  
39    *Chapter 7 of Title 42 of the United States Code.*

1     (2) *Implementation of Section 12419.10 of the Government*  
2     *Code.*

3     (3) *Responding to information requests from the Franchise Tax*  
4     *Board for the purpose of tax administration.*

5     (g) *This section shall become operative on January 1, 2015, or*  
6     *on the date that the director executes a declaration pursuant to*  
7     *Section 12801.11, whichever is sooner.*

8     (h) *This section shall become inoperative on the effective date*  
9     *of a final judicial determination made by any court of appellate*  
10    *jurisdiction that any provision of the act that added this section,*  
11    *or its application, either in whole or in part, is enjoined, found*  
12    *unconstitutional, or held invalid for any reason. The department*  
13    *shall post this information on its Internet Web site.*

14    SEC. 5. *Section 1653.5 is added to the Vehicle Code, to read:*

15    1653.5. (a) *Each form prescribed by the department for use*  
16    *by an applicant for the issuance or renewal by the department of*  
17    *a driver's license or identification card pursuant to Division 6*  
18    *(commencing with Section 12500) shall contain a section for the*  
19    *applicant's social security account number.*

20    (b) *Each form prescribed by the department for use by an*  
21    *applicant for the issuance, renewal, or transfer of the registration*  
22    *or certificate of title to a vehicle shall contain a section for the*  
23    *applicant's driver's license or identification card number.*

24    (c) *A person who submits to the department a form that,*  
25    *pursuant to subdivision (a), contains a section for the applicant's*  
26    *social security account number, or pursuant to subdivision (b),*  
27    *the applicant's driver's license or identification card number, if*  
28    *any, shall furnish the appropriate number in the space provided.*

29    (d) *The department shall not complete an application that does*  
30    *not include the applicant's social security account number or*  
31    *driver's license or identification card number as required under*  
32    *subdivision (c).*

33    (e) *An applicant's social security account number shall not be*  
34    *included by the department on a driver's license, identification*  
35    *card, registration, certificate of title, or any other document issued*  
36    *by the department.*

37    (f) *Notwithstanding any other law, information regarding an*  
38    *applicant's social security account number, obtained by the*  
39    *department pursuant to this section, is not a public record and*



1 *may not be disclosed by the department except for any of the*  
2 *following purposes:*

3 *(1) Responding to a request for information from an agency*  
4 *operating pursuant to, and carrying out the provisions of, Part A*  
5 *(Aid to Families with Dependent Children), or Part D (Child*  
6 *Support and Establishment of Paternity), of Subchapter IV of*  
7 *Chapter 7 of Title 42 of the United States Code.*

8 *(2) Implementation of Section 12419.10 of the Government*  
9 *Code.*

10 *(3) Responding to information requests from the Franchise Tax*  
11 *Board for the purpose of tax administration.*

12 *(g) This section shall become operative on the effective date of*  
13 *a final judicial determination made by any court of appellate*  
14 *jurisdiction that any provision of the act that added this section,*  
15 *or its application, either in whole or in part, is enjoined, found*  
16 *unconstitutional, or held invalid for any reason. The department*  
17 *shall post this information on its Internet Web site.*

18 *SEC. 6. Section 12800 of the Vehicle Code is amended to read:*

19 *12800. Every application for an original or a renewal of a*  
20 *driver's license shall contain all of the following information:*

21 *(a) The applicant's true full name, age, sex, mailing address,*  
22 *residence address, and social security account number.*

23 *(b) A brief description of the applicant for the purpose of*  
24 *identification.*

25 *(c) A legible print of the thumb or finger of the applicant.*

26 *(d) The type of motor vehicle or combination of vehicles the*  
27 *applicant desires to operate.*

28 *(e) Whether the applicant has ever previously been licensed as*  
29 *a driver and, if so, when and in what state or country and whether*  
30 *or not the license has been suspended or revoked and, if so, the*  
31 *date of and reason for the suspension or revocation.*

32 *(f) Whether the applicant has ever previously been refused a*  
33 *driver's license in this state and, if so, the date of and the reason*  
34 *for the refusal.*

35 *(g) Whether the applicant, within the last three years, has*  
36 *experienced, on one or more occasions, either a lapse of*  
37 *consciousness or an episode of marked confusion caused by a*  
38 *condition that may bring about recurrent lapses, or whether the*  
39 *applicant has a disease, disorder, or disability that affects his or*

1 her ability to exercise reasonable and ordinary control in operating  
2 a motor vehicle upon a highway.

3 (h) Whether the applicant understands traffic signs and signals.

4 (i) Whether the applicant has ever previously been issued an  
5 identification card by the department.

6 (j) Any other information that is necessary to enable the  
7 department to determine whether the applicant is entitled to a  
8 license under this code.

9 *(k) This section shall become inoperative on January 1, 2015,*  
10 *or on the date that the director executes a declaration pursuant*  
11 *to Section 12801.11, whichever is sooner, and as of January 1,*  
12 *2015, is repealed, unless a later enacted statute, that is enacted*  
13 *before January 1, 2015, deletes or extends that date.*

14 SEC. 7. Section 12800 is added to the Vehicle Code, to read:

15 12800. Each application for an original or a renewal of a  
16 driver's license shall contain all of the following information:

17 (a) The applicant's true full name, age, sex, mailing address,  
18 residence address, and, except as provided in Section 12801, social  
19 security account number.

20 (b) A brief description of the applicant for the purpose of  
21 identification.

22 (c) A legible print of the thumb or finger of the applicant.

23 (d) The type of motor vehicle or combination of vehicles the  
24 applicant desires to operate.

25 (e) Whether the applicant has ever previously been licensed as  
26 a driver and, if so, when and in what state or country and whether  
27 or not the license has been suspended or revoked and, if so, the  
28 date of and reason for the suspension or revocation.

29 (f) Whether the applicant has ever previously been refused a  
30 driver's license in this state and, if so, the date of and the reason  
31 for the refusal.

32 (g) Whether the applicant, within the last three years, has  
33 experienced, on one or more occasions, either a lapse of  
34 consciousness or an episode of marked confusion caused by a  
35 condition that may bring about recurrent lapses, or whether the  
36 applicant has a disease, disorder, or disability that affects his or  
37 her ability to exercise reasonable and ordinary control in operating  
38 a motor vehicle upon a highway.

39 (h) Whether the applicant understands traffic signs and signals.

1     (i) Whether the applicant has ever previously been issued an  
2     identification card by the department.

3     (j) Any other information that is necessary to enable the  
4     department to determine whether the applicant is entitled to a  
5     license under this code.

6     (k) This section shall become operative on January 1, 2015, or  
7     on the date that the director executes a declaration pursuant to  
8     Section 12801.11, whichever is sooner.

9     (l) This section shall become inoperative on the effective date  
10    of a final judicial determination made by any court of appellate  
11    jurisdiction that any provision of the act that added this section,  
12    or its application, either in whole or in part, is enjoined, found  
13    unconstitutional, or held invalid for any reason. The department  
14    shall post this information on its Internet Web site.

15    SEC. 8. Section 12800 is added to the Vehicle Code, to read:

16    12800. Each application for an original or a renewal of a  
17    driver's license shall contain all of the following information:

18    (a) The applicant's true full name, age, sex, mailing address,  
19    residence address, and social security account number.

20    (b) A brief description of the applicant for the purpose of  
21    identification.

22    (c) A legible print of the thumb or finger of the applicant.

23    (d) The type of motor vehicle or combination of vehicles the  
24    applicant desires to operate.

25    (e) Whether the applicant has ever previously been licensed as  
26    a driver and, if so, when and in what state or country and whether  
27    or not the license has been suspended or revoked and, if so, the  
28    date of and reason for the suspension or revocation.

29    (f) Whether the applicant has ever previously been refused a  
30    driver's license in this state and, if so, the date of and the reason  
31    for the refusal.

32    (g) Whether the applicant, within the last three years, has  
33    experienced, on one or more occasions, either a lapse of  
34    consciousness or an episode of marked confusion caused by a  
35    condition that may bring about recurrent lapses, or whether the  
36    applicant has a disease, disorder, or disability that affects his or  
37    her ability to exercise reasonable and ordinary control in operating  
38    a motor vehicle upon a highway.

39    (h) Whether the applicant understands traffic signs and signals.

1     (i) *Whether the applicant has ever previously been issued an*  
2 *identification card by the department.*

3     (j) *Any other information that is necessary to enable the*  
4 *department to determine whether the applicant is entitled to a*  
5 *license under this code.*

6     (k) *This section shall become operative on the effective date of*  
7 *a final judicial determination made by any court of appellate*  
8 *jurisdiction that any provision of the act that added this section,*  
9 *or its application, either in whole or in part, is enjoined, found*  
10 *unconstitutional, or held invalid for any reason. The department*  
11 *shall post this information on its Internet Web site.*

12     SEC. 9. *Section 12801 of the Vehicle Code is amended to read:*

13     12801. (a) *Notwithstanding any other law, the department*  
14 *shall require an application for a driver's license to contain the*  
15 *applicant's social security account number and any other number*  
16 *or identifier determined to be appropriate by the department.*

17     (b) *Notwithstanding subdivision (a), an applicant who provides*  
18 *satisfactory proof that his or her presence in the United States is*  
19 *authorized under federal law, but who is not eligible for a social*  
20 *security account number, is eligible to receive an original driver's*  
21 *license if he or she meets all other qualifications for licensure.*

22     (c) *Notwithstanding any other law, the social security account*  
23 *number collected on a driver's license application shall not be*  
24 *displayed on the driver's license including, but not limited to,*  
25 *inclusion on a magnetic tape or strip used to store data on the*  
26 *license.*

27     (d) *This section shall become inoperative on January 1, 2015,*  
28 *or on the date that the director executes a declaration pursuant*  
29 *to Section 12801.11, whichever is sooner, and as of January 1,*  
30 *2015, is repealed, unless a later enacted statute, that is enacted*  
31 *before January 1, 2015, deletes or extends that date.*

32     SEC. 10. *Section 12801 is added to the Vehicle Code, to read:*

33     12801. (a) *Except as provided in subdivisions (b) and (c), the*  
34 *department shall require an application for a driver's license to*  
35 *contain the applicant's social security account number and any*  
36 *other number or identifier determined to be appropriate by the*  
37 *department.*

38     (b) *An applicant who provides satisfactory proof that his or her*  
39 *presence in the United States is authorized under federal law, but*  
40 *who is not eligible for a social security account number, is eligible*

1 to receive an original driver's license if he or she meets all other  
2 qualifications for licensure.

3 (c) (1) An applicant who is unable to provide satisfactory proof  
4 that his or her presence in the United States is authorized under  
5 federal law may sign an affidavit under penalty of perjury attesting  
6 that he or she is both ineligible for a social security account  
7 number and unable to submit satisfactory proof that his or her  
8 presence in the United States is unauthorized under federal law.

9 (2) The submission of this affidavit shall be accepted by the  
10 department in lieu of a social security account number.

11 (3) This subdivision shall not apply to applications for a  
12 commercial driver's license. The department shall require all  
13 applications for a commercial driver's license to include the  
14 applicant's social security account number.

15 (d) The department shall not complete an application for a  
16 driver's license unless the applicant is in compliance with the  
17 requirements of subdivision (a), (b) or (c).

18 (e) Notwithstanding any other law, the social security account  
19 number collected on a driver's license application shall not be  
20 displayed on the driver's license including, but not limited to,  
21 inclusion on a magnetic tape or strip used to store data on the  
22 license.

23 (f) This section shall become operative on January 1, 2015, or  
24 on the date that the director executes a declaration pursuant to  
25 Section 12801.11, whichever is sooner.

26 (g) This section shall become inoperative on the effective date  
27 of a final judicial determination made by any court of appellate  
28 jurisdiction that any provision of the act that added this section,  
29 or its application, either in whole or in part, is enjoined, found  
30 unconstitutional, or held invalid for any reason. The department  
31 shall post this information on its Internet Web site.

32 SEC. 11. Section 12801 is added to the Vehicle Code, to read:

33 12801. (a) Notwithstanding any other law, the department  
34 shall require an application for a driver's license to contain the  
35 applicant's social security account number and any other number  
36 or identifier determined to be appropriate by the department.

37 (b) Notwithstanding subdivision (a), an applicant who provides  
38 satisfactory proof that his or her presence in the United States is  
39 authorized under federal law, but who is not eligible for a social

1 security account number, is eligible to receive an original driver's  
2 license if he or she meets all other qualifications for licensure.

3 (c) Notwithstanding any other law, the social security account  
4 number collected on a driver's license application shall not be  
5 displayed on the driver's license including, but not limited to,  
6 inclusion on a magnetic tape or strip used to store data on the  
7 license.

8 (d) This section shall become operative on the effective date of  
9 a final judicial determination made by any court of appellate  
10 jurisdiction that any provision of the act that added this section,  
11 or its application, either in whole or in part, is enjoined, found  
12 unconstitutional, or held invalid for any reason. The department  
13 shall post this information on its Internet Web site.

14 SEC. 12. Section 12801.5 of the Vehicle Code is amended to  
15 read:

16 12801.5. (a) Notwithstanding any other ~~provision of~~ law, the  
17 department shall require an applicant for an original driver's license  
18 or identification card to submit satisfactory proof that the  
19 applicant's presence in the United States is authorized under federal  
20 law.

21 (b) The department shall not issue an original driver's license  
22 or identification card to a person who does not submit satisfactory  
23 proof that the applicant's presence in the United States is authorized  
24 under federal law.

25 (c) The department shall adopt regulations to carry out the  
26 purposes of this section, including procedures for, but not limited  
27 to, (1) verifying that the applicant's presence in the United States  
28 is authorized under federal law, (2) issuance of a temporary license  
29 pending verification of the applicant's status, and (3) appeal  
30 hearings from a denial of a license, temporary license, or  
31 identification card.

32 (d) On January 10 of each year, the department shall submit a  
33 supplemental budget report to the Governor and the Legislature  
34 detailing the costs of verifying the citizenship or legal residency  
35 of applicants for driver's licenses and identification cards, in order  
36 for the state to request reimbursement from the federal government.

37 (e) Notwithstanding Section 40300 or any other ~~provision of~~  
38 law, a peace officer may not detain or arrest a person solely on the  
39 belief that the person is an unlicensed driver, unless the officer has

1 reasonable cause to believe the person driving is under the age 16  
2 years of ~~16 years~~ age.

3 (f) The inability to obtain a driver's license pursuant to this  
4 section does not abrogate or diminish in any respect the legal  
5 requirement of every driver in this state to obey the motor vehicle  
6 laws of this state, including laws with respect to licensing, motor  
7 vehicle registration, and financial responsibility.

8 (g) *This section shall become inoperative on January 1, 2015,*  
9 *or on the date that the director executes a declaration pursuant*  
10 *to Section 12801.11, whichever is sooner, and as of January 1,*  
11 *2015, is repealed, unless a later enacted statute, that is enacted*  
12 *before January 1, 2015, deletes or extends that date.*

13 SEC. 13. Section 12801.5 is added to the Vehicle Code, to  
14 read:

15 12801.5. (a) Except as provided in Section 12801.9, the  
16 department shall require an applicant for an original driver's  
17 license or identification card to submit satisfactory proof that the  
18 applicant's presence in the United States is authorized under  
19 federal law.

20 (b) Except as provided in Section 12801.9, the department shall  
21 not issue an original driver's license or identification card to a  
22 person who does not submit satisfactory proof that the applicant's  
23 presence in the United States is authorized under federal law.

24 (c) The department shall adopt regulations to carry out the  
25 purposes of this section, including, but not limited to, procedures  
26 for (1) verifying that the applicant's presence in the United States  
27 is authorized under federal law, (2) issuance of a temporary license  
28 pending verification of the applicant's status, and (3) hearings to  
29 appeal a denial of a license, temporary license, or identification  
30 card.

31 (d) On January 10 of each year, the department shall submit a  
32 supplemental budget report to the Governor and the Legislature  
33 detailing the costs of verifying the citizenship or legal residency  
34 of applicants for driver's licenses and identification cards, in order  
35 for the state to request reimbursement from the federal government.

36 (e) Notwithstanding Section 40300 or any other law, a peace  
37 officer shall not detain or arrest a person solely on the belief that  
38 the person is an unlicensed driver, unless the officer has reasonable  
39 cause to believe the person driving is under 16 years of age.

1     (f) *The inability of an individual to obtain a driver's license*  
2 *pursuant to this section does not abrogate or diminish in any*  
3 *respect the legal requirement of every driver in this state to obey*  
4 *the motor vehicle laws of this state, including laws with respect*  
5 *to licensing, motor vehicle registration, and financial*  
6 *responsibility.*

7     (g) *This section shall become operative on January 1, 2015, or*  
8 *on the date that the director executes a declaration pursuant to*  
9 *Section 12801.11, whichever is sooner.*

10    (h) *This section shall become inoperative on the effective date*  
11 *of a final judicial determination made by any court of appellate*  
12 *jurisdiction that any provision of the act that added this section,*  
13 *or its application, either in whole or in part, is enjoined, found*  
14 *unconstitutional, or held invalid for any reason. The department*  
15 *shall post this information on its Internet Web site.*

16    SEC. 14. *Section 12801.5 is added to the Vehicle Code, to*  
17 *read:*

18    12801.5. (a) *Notwithstanding any other law, the department*  
19 *shall require an applicant for an original driver's license or*  
20 *identification card to submit satisfactory proof that the applicant's*  
21 *presence in the United States is authorized under federal law.*

22    (b) *The department shall not issue an original driver's license*  
23 *or identification card to a person who does not submit satisfactory*  
24 *proof that the applicant's presence in the United States is*  
25 *authorized under federal law.*

26    (c) *The department shall adopt regulations to carry out the*  
27 *purposes of this section, including, but not limited to, procedures*  
28 *for (1) verifying that the applicant's presence in the United States*  
29 *is authorized under federal law, (2) issuance of a temporary license*  
30 *pending verification of the applicant's status, and (3) hearings to*  
31 *appeal a denial of a license, temporary license, or identification*  
32 *card.*

33    (d) *On January 10 of each year, the department shall submit a*  
34 *supplemental budget report to the Governor and the Legislature*  
35 *detailing the costs of verifying the citizenship or legal residency*  
36 *of applicants for driver's licenses and identification cards, in order*  
37 *for the state to request reimbursement from the federal government.*

38    (e) *Notwithstanding Section 40300 or any other law, a peace*  
39 *officer shall not detain or arrest a person solely on the belief that*



1 *the person is an unlicensed driver, unless the officer has reasonable*  
2 *cause to believe the person driving is under 16 years of age.*

3 *(f) The inability of an individual to obtain a driver's license*  
4 *pursuant to this section does not abrogate or diminish in any*  
5 *respect the legal requirement of every driver in this state to obey*  
6 *the motor vehicle laws of this state, including laws with respect*  
7 *to licensing, motor vehicle registration, and financial*  
8 *responsibility.*

9 *(g) This section shall become operative on the effective date of*  
10 *a final judicial determination made by any court of appellate*  
11 *jurisdiction that any provision of the act that added this section,*  
12 *or its application, either in whole or in part, is enjoined, found*  
13 *unconstitutional, or held invalid for any reason. The department*  
14 *shall post this information on its Internet Web site.*

15 *SEC. 15. Section 12801.9 is added to the Vehicle Code, to*  
16 *read:*

17 *12801.9. (a) Notwithstanding Section 12801.5, the department*  
18 *may issue an original driver's license to a person who is unable*  
19 *to submit satisfactory proof that the applicant's presence in the*  
20 *United States is authorized under federal law if he or she meets*  
21 *all other qualifications for licensure and provides satisfactory*  
22 *proof to the department of his or her identity and California*  
23 *residency.*

24 *(b) The department shall adopt emergency regulations to carry*  
25 *out the purposes of this section, including, but not limited to,*  
26 *procedures for (1) identifying documents acceptable for the*  
27 *purposes of proving identity and California residency, (2)*  
28 *procedures for verifying the authenticity of the documents, (3)*  
29 *issuance of a temporary license pending verification of the*  
30 *applicant's status, and (4) hearings to appeal a denial of a license*  
31 *or temporary license.*

32 *(c) Emergency regulations adopted for purposes of establishing*  
33 *the documents acceptable to prove identity and residency pursuant*  
34 *to subdivision (b) shall be promulgated by the department in*  
35 *consultation with appropriate law enforcement representatives,*  
36 *including, but not limited to, the California Highway Patrol, the*  
37 *California State Sheriffs' Association, and the California Police*  
38 *Chiefs Association. The department may consider accepting the*  
39 *following types of documentation for this purpose:*

1 (1) A valid, unexpired consular identification document issued  
2 by a consulate from the applicant's country of citizenship, or a  
3 valid, unexpired passport from the applicant's country of  
4 citizenship.

5 (2) An original birth certificate, or other proof of age, as  
6 designated by the department.

7 (3) A home utility bill, lease or rental agreement, or other proof  
8 of California residence, as designated by the department.

9 (4) One of the following documents, which, if in a language  
10 other than English, shall be accompanied by a certified translation  
11 or an affidavit of translation into English:

12 (A) A marriage license or divorce certificate.

13 (B) A foreign federal electoral photo card issued on or after  
14 January 1, 1991.

15 (C) A foreign driver's license.

16 (D) A United States Department of Homeland Security Form  
17 I-589, Application for Asylum and for Withholding of Removal.

18 (E) An official school or college transcript that includes the  
19 applicant's date of birth, or a foreign school record that is sealed  
20 and includes a photograph of the applicant at the age the record  
21 was issued.

22 (F) A United States Department of Homeland Security Form  
23 I-20 or Form DS-2019.

24 (G) A deed or title to real property.

25 (H) A property tax bill or statement issued within the previous  
26 12 months.

27 (I) An income tax return.

28 (d) (1) A license issued pursuant to this section, including a  
29 temporary license issued pursuant to Section 12506, shall include  
30 a recognizable feature on its face and shall bear the following  
31 notice: "This card is not acceptable for federal purposes; it is  
32 acceptable for driving privileges only. It does not establish  
33 eligibility for employment, voter registration, or public benefits."

34 (2) The notice described in paragraph (1) shall be in lieu of the  
35 notice provided in Section 12800.5.

36 (e) If the United States Department of Homeland Security  
37 determines a license issued pursuant to this section does not satisfy  
38 the requirements of Section 37.71 of Title 6 of the Code of Federal  
39 Regulations, adopted pursuant to paragraph (11) of subdivision  
40 (d) of Section 202 of the Real ID Act of 2005 (Public Law 109-13),

1 *the department shall modify the license in the manner necessary*  
2 *to satisfy the requirements of that section.*

3 *(f) Notwithstanding Section 40300 or any other law, a peace*  
4 *officer shall not detain or arrest a person solely on the belief that*  
5 *the person is an unlicensed driver, unless the officer has reasonable*  
6 *cause to believe the person driving is under 16 years of age.*

7 *(g) The inability to obtain a driver's license pursuant to this*  
8 *section does not abrogate or diminish in any respect the legal*  
9 *requirement of every driver in this state to obey the motor vehicle*  
10 *laws of this state, including laws with respect to licensing, motor*  
11 *vehicle registration, and financial responsibility.*

12 *(h) Discrimination against an individual because he or she*  
13 *holds or presents a license issued under this section violates the*  
14 *Unruh Civil Rights Act (Section 51 of the Civil Code).*

15 *(i) A license issued pursuant to this section shall not be used to*  
16 *consider an individual's citizenship or immigration status as a*  
17 *basis for a criminal investigation, arrest, or detention.*

18 *(j) On or before January 1, 2018, the Administrative Office of*  
19 *the Courts shall compile and submit to the Legislature and the*  
20 *Governor a report of any violations of subdivisions (h) and (i).*  
21 *Information pertaining to any specific individual shall not be*  
22 *provided in the report.*

23 *(k) In addition to the fees required by Section 14900, a person*  
24 *applying for an original license pursuant to this section may be*  
25 *required to pay an additional fee determined by the department*  
26 *that is sufficient to offset the reasonable administrative costs of*  
27 *implementing the provisions of the act that added this section. If*  
28 *this additional fee is assessed, it shall only apply until June 30,*  
29 *2017.*

30 *(l) This section shall become operative on January 1, 2015, or*  
31 *on the date that the director executes a declaration pursuant to*  
32 *Section 12801.11, whichever is sooner.*

33 *(m) This section shall become inoperative on the effective date*  
34 *of a final judicial determination made by any court of appellate*  
35 *jurisdiction that any provision of the act that added this section,*  
36 *or its application, either in whole or in part, is enjoined, found*  
37 *unconstitutional, or held invalid for any reason. The department*  
38 *shall post this information on its Internet Web site.*

39 *SEC. 16. Section 12810.10 is added to the Vehicle Code, to*  
40 *read:*

1 12810.10. (a) Nothing in Section 1653.5, 12800, 12801,  
2 12801.5, or 12801.9 authorizes an individual to apply for, or be  
3 issued, a commercial driver's license without the submission of  
4 his or her social security account number upon application.

5 (b) This section shall become operative on January 1, 2015, or  
6 on the date that the director executes a declaration pursuant to  
7 Section 12801.11, whichever is sooner.

8 (c) This section shall become inoperative on the effective date  
9 of a final judicial determination made by any court of appellate  
10 jurisdiction that any provision of the act that added this section,  
11 or its application, either in whole or in part, is enjoined, found  
12 unconstitutional, or held invalid for any reason. The department  
13 shall post this information on its Internet Web site.

14 SEC. 17. Section 12801.11 is added to the Vehicle Code, to  
15 read:

16 12801.11. (a) If the director determines that the department  
17 is prepared to begin issuing driver's licenses pursuant to Section  
18 12801.9 on a date sooner than January 1, 2015, the director shall  
19 execute a declaration stating that determination and date and,  
20 within five business days, provide a copy of that declaration to the  
21 appropriate fiscal and policy committees of the Legislature and  
22 to the Governor, and shall post this information on its Internet  
23 Web site.

24 (b) This section shall become inoperative on the effective date  
25 of a final judicial determination made by any court of appellate  
26 jurisdiction that any provision of the act that added this section,  
27 or its application, either in whole or in part, is enjoined, found  
28 unconstitutional, or held invalid for any reason. The department  
29 shall post this information on its Internet Web site.

30  
31  
32 **All matter omitted in this version of the bill**  
33 **appears in the bill as amended in the**  
34 **Senate September 3, 2013. (JR11)**  
35